REMARKS

Claims 1-208 are pending in the present application, with claims 1, 109, 112, 204, 207, and 208 being independent. Claims 1-10, 13-29, 32-33, 35-36, 40-53, 63, 65-83, 87-118, 121-137, 139, 141-142, 146-152, 160, 162-178, 180, and 182-208 are rejected under 35 U.S.C. 102(e) as being anticipated by Arora (U.S. Patent Publication No. US2003/0018972 A1). Claims 11-12 and 119-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora. Claims 30-31, 37-39, 60-62, 64, 84-86, 138, 140, 143-145, 159, 161, 179, and 181 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora in view of Ellis (6,275,268). Claims 54-57 and 153-156 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora in view of Wang (US 2002/0188947 A1). Claims 58 and 157 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora in view of Wang and Asmussen et al. (US 2002/0042923 A1). Claims 59 and 158 rejected under 35 U.S.C. 103(a) as being unpatentable over Arora in view of Wang and Klosterman et al. (6,078,348).

With the present amendment, claims 1, 2, 4, 5, 7, 10, 12, 13, 17-20, 28-39, 42-49, 54, 55, 57, 58, 59, 66-70, 72, 73, 75, 77, 83-85, 87-103, 105, 109, 112-114, 117, 119, 121, 126, 127, 136-145, 147-158, 162-176, 179, 180, 182, 184, 185, and 188-208 will be pending, with claims 1, 109, 112, 204, 207, and 208 being independent. Claims 3, 6, 8, 9, 11, 14-16, 21-27, 40, 41, 50-53, 56, 60-65, 71, 74, 76, 78-82, 86, 104, 106-108, 110, 111, 115, 116, 118, 120, 122-125, 128-135, 146, 159-161, 177, 178, 183, 186, and 187 have been canceled. Applicants believe that in light of the amendments and the remarks below, the claims are patentable over the cited art and are in condition for allowance.

Claim Objections

Claims 177-187 and 191-192 have been objected to because dependent claims 177-182 and 183-187 depend on later claims. Claims 177, 178, 183, 186, and 187 have been canceled with the present amendment; therefore, the claim objections are considered to be moot. Claims 179-181, 182, 184, 185, 188-192 have been amended to depend from early dependent claims.

Rejections under 35 U.S.C. 102(e)

Independent claim 1 is directed towards providing television functionality according to user preferences that have been defined over a time period. The time period has a specified start time and an end time. During the defined time period, the user is presented with television functionality that is in accordance with the user preference. Importantly, a user is constrained to the user preferences that are defined during the time period. Outside of the time period, the user is presented with a second result, which is normal television functionality, and is not constrained by the user preferences in the defined time period. In contrast, Arora does not specify a time period defined by a start time and an end time. More

specifically, Arora allows an end time or a void-by date, but not a specified start time except the present time.

Furthermore, claim 1 of the present invention is directed towards television functionality, which includes television programs, an interactive program guide (IPG), and/or video-on-demand (VOD) to name but a few. The first result provides a defined television functionality that was defined by the time period and the user preference. Importantly, the user preference and the timer period remain in effect until changed by the user. It will be appreciated that the time period and the user preference may be a recurring event, a one-time event, or the user preference may vary in a predetermined way during a time period, but a viewing pattern, such as in Arora, does not change the television functionality over a time period. More specifically, Arora is directed towards providing still images, which does not correlate to television functionality as defined in the present invention, on a display based on past user viewing patterns and a user set-up menu. Due to the viewing patterns and the user set-up menu, the surf list changes over time. Every time a user chooses a picture to be displayed, a time of the day to display a picture, how long a picture is displayed, to name but a few examples, the viewing pattern updates the surf list accordingly. (pg. 4, sections 0029-0031). The surf list may never be the same over time. The user has the choice to select a frequency or refresh time, such as at midnight, and the viewing pattern starts over with recording and analyzing certain characteristics or attributes of the user's activity, which inherently can be interpreted that the surf list will not be the same after every refresh.

It is believed, therefore, that independent claim 1 as amended is patentable over the cited art. Specifically, Arora does not specify each and every element of independent claim 1; therefore, the rejection under 35 U.S.C. 102(e) should be removed. The dependent claims 2, 4, 5, 7, 10, 12, 13, 17-20, 28-39, 42-49, 54, 55, 57, 58, 66-70, 72, 73, 75, 77, 83-85, 87-103, and 105 further limit claim 1 and should also be patentable; however, some explanation regarding patentability over the cited art for some of the dependent claims is discussed below.

Dependent claim 2 indicates that either user input or a preference engine specifies the user preferences and the time period. In contrast Arora, provides the still images based on the past viewing pattern and a set-up menu. The user may influence the viewing pattern by specifying some attributes on the set-up menu, but certainly cannot define the user preferences such as in the present invention. Specifically, Arora allows a user to select some viewing attributes on the setup menu indicating their preference on how the user's viewing pattern can be analyzed; the user does not "explicitly input" the user's channel preferences (pg. 3, section 0020).

Dependent claim 4 is directed towards an IPG that is displayed according to the user preferences. More specifically, a user is presented with a guide that includes only the user preference services selected

for the defined time period. Arora, on the other hand, does not provide the user with a guide in order to further select services, but rather is simply provided with images generated by the surf list.

Dependent claim 7 teaches that the user preferences during the defined time period can be determined by the duration period and the frequency of the service. For example, a media content instance may be presented every week at the same time for the Fall season. A user may define the duration to be, for example, the Fall season and the frequency may be every week on a particular day and hour. In contrast, Arora uses the frequency simply as a refresh screen. Specifically, the user specifies that the screen display or the surf list be refreshed every 1 minute or at midnight, for example.

Dependent claims 42 and 43 allow a user to include or not include a viewing parameter. For example, a user may select all sports channels but one. Arora, on the other hand, allows a user to select a preference for sports channels, but does not have the ability to specifically select which sports channels to receive and does not allow a user to specifically select which sports channels not to receive.

Independent claim 109 is directed towards providing a television service according to a user preference during at least one time period. The television service as defined in claim 109 is tuning to a television service that corresponds to the user preference. The system then provides a tuned service to the user. In contrast, Arora does not tune a television to receive a service as defined by the user preference. Arora does allow a user to tune to a channel, and subsequently the viewing pattern updates the surf list accordingly. This is not the same as the tuning according to a user preference that is claimed in the present invention. It is believed, therefore, that independent claim 109 is patentable over the cited art.

Independent claim 112 is directed towards a system that includes logic that associates user preferences with at least one defined time period. The user may define a multiple of time periods including user preferences for each time period. Notably, the user preferences may vary over or during the time periods. Once set, however, the user preferences are not changed until the user changes the user preference(s) for one or more time periods. Arora, however, does not allow a user to select multiple time periods. Additionally, the user of Arora also does not have the ability to vary the user preferences over one or more time periods. The viewing pattern continuously updates the surf list over time until an end or void-by date. It is believed, therefore, that Arora does not specify each element of independent claim 112. Independent claim 112 should be allowable over the cited art. Furthermore, claims 113, 114, 117, 119, 121, 126, 127, 136-145, 147-158, 162-176, 179, 180, 182, 184, 185, and 188-203 limit independent claim 112 and should also be allowable.

Independent claim 204, as amended, is directed towards providing a television functionality during a recurring schedule. The user preferences are input for each of the time periods. During these time periods, which have a recurring schedule, the television functionality is modified according to the user preferences. In contrast, Arora does not present the user with an opportunity to enter a recurring

schedule. Additionally, the user cannot define the user preferences during the recurring schedule. More specifically, the viewing pattern of the user is evaluated and the surf list is modified accordingly. It is believed, therefore, that claim 204 is allowable over the cited art along with dependent claims 205 and 206, which further limit claim 204.

Independent claim 207 is directed towards providing an interactive program guide (IPG) in accordance with a user preference, where the user preference is in accordance with the specified time period. More specifically, the user is shown an IPG having only the television services that were defined in the user preferences. Alternatively, the method presents an IPG in accordance with a second result that is outside of the time period. The IPG according to the second result includes all television services included in an IPG along with the television services that were defined by the user preferences. The user can then select from either IPG television services. In contrast, Arora does not receive an IPG or the "surf list," but rather the user is directly provided screen shots on a display that were generated from the viewing pattern and the surf list. In other words, the user in Arora does not choose to watch one particular television service chosen from the surf list as a user of the present invention can choose a television service from the IPG. Accordingly, Arora does not teach every claim element of the present invention and should, therefore, be allowable.

Independent claim 208 is directed towards a system that provides television functionality during at least one time period. User preferences are defined for each time period by either user input or a preference engine. A first result is provided during each of the defined time periods limiting the television functionality according to the user preferences. The user preferences may vary over and during each time period. If outside of the at least one time period, a second result is provided. More specifically, television functionality is not limited by the defined user preferences. Although Arora allows a user to select some viewing attributes on the setup menu indicating their preference on how the user's viewing pattern can be analyzed, the user does not "explicitly input" the user's channel preferences (pg. 3, section 0020). Additionally, Arora does not allow for multiple or recurring time periods. Since Arora does not teach each element of claim 208, it is believed that independent claim 208 is patentable over the cited art.

Rejections under 35 U.S.C. 103(a)

Dependent claims 11-12 and 119-120 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arora. Claims 11 and 120 have been canceled. Claims 12 and 119 depend upon allowable claims 1 and 112, respectively; therefore, claims 12 and 119 should also be allowable. However, in argument, claims 12 and 119 are directed towards TV control functionality that may include functionality of remote control keys for selected time periods or enabling and disabling respective remote control keys. It will be appreciated that Arora mentions a disable operation, but it seems to apply more towards the generation, or

in this case, disabling the generation of a surf list. Applicants believe that if Arora were intending to describe a disabling operation directed towards remote control functionality, this operation would have been described on or relative to page 2, section 0019 when Arora discusses using a mouse or pressing a key on a keyboard. In fact, there is no mention or implied action of using the disabling operation relative to a remote control. It is believed, therefore, that claims 12 and 119 are allowable over the cited art.

It is believed dependent claims 30-31, 34, 37-39, 60-62, 64, and 84-86 that further limit independent claim 1, which is believed to be allowable, and dependent claims 138, 140, 143-145, 159, 161, 179, and 181 that further limit independent claim 112, which is also believed to be patentable, are also allowable; however, some explanation for further patentability over the cited art is discussed below.

Regarding claims 30 and 138, however, there is no motivation to combine Arora and Ellis in order to have a remote control that includes a preference adaptive mode that is located on the remote control. It will be appreciated that Ellis teaches having different keys on the remote control for different users. The present invention, however, is directed towards using a switch on the remote control in order to turn the preference-adaptive mode on or off. Applicants respectfully disagree, therefore, that there is motivation to combine Arora with Ellis to achieve the present invention as claimed in 30 and 138.

Claims 31, 37-39, and 143-145 are directed towards purchasing a television service using the present invention. Again, it is believed there is no motivation to combine the teachings of Ellis in order to purchase a service in the Arora system. Applicants respectfully disagree that there is no mention in Arora regarding purchasing of services that would inspire enhancing Arora's system by using the teachings of Ellis.

Claims 54-57 and 153-156 further limit independent claim 1, which is believed to be allowable, and independent claim 112, which is believed to be allowable, respectively. Therefore, dependent claims 54-57 and 153-156 are also believed to be allowable.

Claims 58 and 157 further limit independent claims 1 and 112, which are believed to be allowable, respectively. Therefore, dependent claim 58 and 157 are also believed to be allowable.

Additionally, claims 59 and 158 further limit independent claims 1 and 112, which are believed to be allowable. Therefore, it is believed that dependent claims 59 and 158 should also be allowable.

CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action dated April 9, 2003. Claims 1, 2, 4, 5, 7, 10, 12, 13, 17-20, 28-39, 42-49, 54, 55, 57, 58, 59, 66-70, 72, 73, 75, 77, 83-85, 87-103, 105, 109, 112-114, 117, 119, 121, 126, 127, 136-145, 147-158, 162-176, 179, 180, 182, 184, 185, and 188- 208 will be pending in the present application upon entry of the present amendment, with claims 1, 109, 112, 204, 207, and 208 being independent. Based on the amendments and remarks set forth herein, Applicants respectfully submit that the subject patent application is in condition for allowance. Because the claims may include additional elements that are not taught or suggested by the cited art, the preceding arguments in favor of patentability are advanced without prejudice to other bases of patentability.

Upon entry of the foregoing Response, the above-identified patent application includes 139 total claims, 6 of which are independent. Because Applicants have previously paid for 208 total claims and 6 independent claims, Applicants submit that no additional fee is due. Should it be determined that any additional fee is due or any excess fee has been received, the Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to deposit account #19-0761.

Should the Examiner have any comments or suggestions that would place the subject patent application in better condition for allowance, he is respectfully requested to telephone the undersigned agent at the below-listed number.

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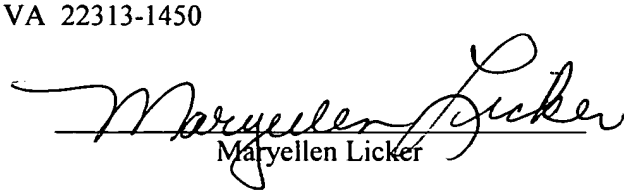

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